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**Canadian  
Environmental  
Advisory  
Council**

# ***On the Role of Environmental Councils***

## ***In Relation to the Canadian Environmental Advisory Council***

*by P.M. Bird*



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**Canadian  
Environmental  
Advisory  
Council**

**On the Role of  
Environmental Councils  
In Relation to the  
Canadian Environmental Advisory Council**

Enquiries concerning the  
work of the Council and  
requests for Council  
publications should be  
addressed to:

The Executive Director  
Canadian Environmental  
Advisory Council  
c/o Environment Canada  
Ottawa, Ontario  
K1A 0H3

## ROLE OF THE CANADIAN ENVIRONMENTAL ADVISORY COUNCIL

The Canadian Environmental Advisory Council (CEAC) is a body representing a cross-section of Canadians who are knowledgeable and concerned about the environment. It operates in a confidential advisory capacity to the Minister of the Environment. It provides the Minister with an alternative to the advice provided by the Department of the Environment and other federal agencies, and to the advice of specific interest groups. Council's public role, in term of activities such as the publishing of reports, is therefore secondary to its primary function of providing advice to the Minister of the Environment.







May 11, 1989

The Honourable Lucien Bouchard  
Minister of the Environment  
Ottawa, Ontario  
K1A 0H3

Dear Mr. Bouchard:

The Council is pleased to submit the enclosed report "On the Role of Environmental Councils - In Relation to the Canadian Environmental Advisory Council". The report was prepared at the request of The Honourable Tom McMillan in response to his desire to upgrade the capabilities and scope of work of Council to meet the needs of an expanding environmental agenda.

We hope that the report will be useful to you and to others interested in the role of Environmental Councils, and we will look forward to discussing it with you.

Sincerely

Dr. Robert Page  
Chairman




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# 1. Introduction

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Environmental concerns of the public and the government continue to increase. Although much of the public's attention is focused on local crisis-type issues, there is increasing recognition of the importance of system-wide changes in environmental quality. Advice on dealing with these concerns is solicited or offered from various sources, including ministerial and other advisory councils. From time to time, the expectations of both the minister and the public fail to match the purposes for which such councils were structured; hence, the necessity of periodically examining their purposes and potentialities.

The purpose of this paper is to review various studies and observations concerning different kinds of councils and their characteristics. This review of councils and their roles should prove informative and useful, not only for the federal government, but also for the provinces, as both an historical document and for future planning purposes. It is not a comprehensive review, since not all relevant councils are included; in particular, the provincial environmental councils. Moreover, the paper offers no advice or recommendations on the role which the Canadian Environmental Advisory Council should assume. This is a task which the Council, itself, should undertake in consultation with the Minister of the Environment.

## 2. History of the Canadian Environmental Advisory Council

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The Canadian Environmental Advisory Council (CEAC) was established under ministerial authority, as a result of a 1972 Cabinet Decision, to provide the federal Minister of the Environment with independent, informed advice on problems and policies regarding the environment. It was envisaged that the Council would serve as an alternative source of advice to that provided by Environment Canada and by specific, non-government interest groups. Although the terms of reference were given in very broad and general statements, the holding of public hearings was specifically excluded.

Initially, the 12-16 members of CEAC were largely drawn from the academic and scientific communities and their relatively ready access to the resources of the university community, combined with some measure of control over their own time, contributed greatly to Council's work program. Subsequently, membership was broadened to make it more representative of a wider cross-section of environmental interests. This led to changes in working procedures, including greater emphasis on commissioning special studies through external contracts. External contracts are also used when Council does not have specific expertise and wants to be informed on selected issues.

Throughout its history, CEAC has been supported by a small secretariat drawn from the staff of Environment Canada. The Department has also provided accommodation for the secretariat, as well as all the normal office support services (telephone, typing, printing, etc.). Previously, CEAC's operating budget was prepared by the Council, approved by the Minister, and submitted to Environment Canada administration for inclusion in the departmental estimates submission. Thus, final approved budgets were controlled by Treasury Board directives, and, to a large extent, by Environment Canada's

administrative interpretation of the Treasury Board directives. In recent years, negotiations on CEAC's budget have been concentrated in three-way discussions involving the Minister, Deputy Minister and Council Chairman, a time consuming procedure, especially in times of economic restraint.

From its early days, CEAC made a significant contribution to the development of policies as the newly formed Department of the Environment took shape. Council studies led to the production of substantive reports which served both as sources of advice to the Minister of the day as well as documents for public information. Appendix 2 contains a statistical summary of the characteristics of work performed by CEAC, by fiscal year from 1983-84 to 1987-88, showing the number of outputs, the principal form of the output, the origin of the study, by whom the work was done, and the nature of the study. This tabulation serves primarily as background information rather than as a basis for predicting future activities. A further indication of the breadth and scope of CEAC's work is provided in the comprehensive listing of published papers and annual reports contained in Appendix 3, List of Publications.

During the late '70s and early '80s, while council retained its functions as an independent adviser to the Minister, the focus of its attention shifted from responses to problems that it had identified and held to be urgent, to a much closer association with the problems and preoccupations of the Minister. Notwithstanding this shift, the relationship between the Minister and the Council (and hence the perceived usefulness of the Council's work) has varied considerably with changing ministers and Council membership. Formal statements on the role of CEAC approved by the Minister in 1981 and in 1984 are shown in Appendix 4 and Appendix 5, respectively.



## History of the Canadian Environmental Advisory Council

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Bearing in mind the generalities of the original mandate, the varying relationships between different Ministers and Councils, and the changing patterns of environmental management, it is not surprising that the need for clarification of CEAC's role has been raised frequently during the past 10 years. Internal Council concerns have related to such factors as the adequacy of the resource base

for CEAC activities, the perceived independence of CEAC, the variability in the relationship between the Council and the Minister with changing ministers, and the pressures for a stronger environmental advocacy voice. Outside observers have also perceived a need for strengthening and for reforming Council's role.

### 3. External Pressures for a Reformed Council

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Increasingly, over the last few years, outside observers have suggested new and different goals and directions for Council. In 1984, the senior vice-president of Shell Canada Oil Products, the keynote speaker at the annual meeting of the Petroleum Association for Conservation of the Canadian Environment (PACE), emphasized the need for a joint government/industry effort to set priorities on environmental issues that affect public health. He promoted the idea of a cooperative effort to revitalize the existing Canadian Environmental Advisory Council which would lead to the establishment of a permanent, independent body to "provide society with the sound technical counsel it needs on all environmental and health issues". The concept of having an independent body available to review and make recommendations on major environmental issues was pursued again in 1986 during personal discussions between the President and General Manager of PACE and the Chairman of CEAC.

Other comments were included in the reports of the Macdonald Commission, the Pearse Inquiry, the 1985 report by Environmental Non-Government Organizations (ENGOS), the 1985 Niagara Institute Task Force 3 report, and the Desfossés report.

- (a) The Macdonald Commission (*Royal Commission on the Economic Union and Development Prospects for Canada*, 1985) recommended the creation of an Environmental Council of Canada to provide information and advice about hazards that are of high national or regional priority.
- (b) The Pearse report (*Currents of Change, Inquiry on Federal Water Policy*, 1985) proposed that CEAC be replaced by a new independent council, reporting to Parliament, which would investigate issues of environmental policy, prepare a

comprehensive report every five years on the state of the natural environment in Canada, and investigate and report with recommendations on environmental problems in Canada.

- (c) The 1985 ENGO report coordinated by Friends of the Earth and the National Survival Institute proposed the establishment of an Environmental Council of Canada, along the lines of the Science Council of Canada and the Economic Council of Canada, which could prepare and regularly update a Canadian conservation strategy and provide guidance on how best to achieve environmentally sound economic development.
- (d) The 1985 Task Force 3 report, as part of the Niagara Institute's Consultation on Environment, Jobs and the Economy, called for the building of a national, independent, professional institution to coordinate the collection, assembly and presentation of information on the changing state of the environment and on economy-environment linkages. The institution would be guided by an advisory council of interested stakeholders.
- (e) The 1986 report, *Environmental Quality Strategic Review* (the Desfossés report), which was produced as a follow-up to the Nielsen Task Force on Program Review, made no proposal regarding CEAC, but did call for the legislative establishment of a new National Council on the Environment with appointments to be shared by the federal and provincial governments and to be fully representative of all currents of environmental opinion. This new body would be responsible for the management of a national database and for preparing regular state of the environment reports which would serve as a



national accountability regime to assist in the identification and follow-up of environmental quality priorities across Canada by all levels of government, industrial sectors and other stakeholders. It would report to Parliament through, but at arm's length from, the responsible minister, and its non-advocacy role and orientation would be described in its legislation. Its reports would be tabled simultaneously in Parliament and Provincial Legislatures.

In summary, these and other reports have been critical of Environment Canada and of CEAC for not meeting perceived needs related to provision of information to the public, state of the environment reporting, clarifying environment-economy linkages, analysis of environmental policy, and providing an objective environmental database. This range of expectations goes far beyond CEAC's 1984 terms of reference (Appendix 5). This points to the necessity of clearly stating the purpose of Council, what it is equipped to do, and where its limitations lie.

For example, with respect to environmental councils, regardless of the form they take, it is important that all interested parties have a clear understanding of the nature and extent of the deliberations that may be undertaken. Questions that need to be answered in delineating these matters include:

- (a) What will be the definition of the environment used to provide boundaries to the issues which may be addressed?
- (b) Who, specifically, is the audience - the recipient of environmental advice - and what are its needs? If the answer is the government, is it just Environment Canada or all federal government departments whose policies and programs impinge on the environment?
- (c) To what extent will environmental issues be addressed independently or interrelatedly with respect to other broad areas of social and economic public concern?
- (d) To what extent will the focus of deliberations be on the policy-strategies-priorities level compared with the purely scientific and technical considerations of more immediate environmental problems?
- (e) To what extent will the deliberations deal with international, national, regional or local environmental issues?

## 4. Three Types of Environmental Councils

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The audience to which a governmental council (of any type) is directed provides the basis for a simple classification or differentiation: ministerial advisory councils, for example the Canadian Forestry Advisory Council, have as their primary objective the provision of personal and confidential advice to the Minister, relevant to his/her area of jurisdictional responsibility. Independent councils, for example the Economic Council of Canada, address themselves directly and openly to public concerns in a specific subject area, unconstrained by confidentiality or government policy. A third type of council, representing an expanded ministerial advisory council, attempts to marry both roles by providing advice to the Minister and (with ministerial approval) promoting public understanding of crucial issues. As a reflection of continuing high public interest in environmental matters, and in response to changing societal values, CEAC has been moving in this direction over the past few years.

With specific reference to environmental councils, what then are the needs, functions and limitations of each of these three types of council?

### 4.1 Ministerial Environmental Advisory Council

With respect to a ministerial advisory council, the "need" will vary with the Minister and the Minister's understanding of and commitment to the protection and enhancement of the environment. This "need" cannot be legislatively or otherwise prescribed. A minister may decide either to make use of or not to make use of an advisory council. If the Minister decides to make use of the advisory council as an alternative source of advice and information then that council must always operate in such a manner that it retains the confidence of the minister. If council members are equally committed to the protection and enhancement of the environment in the interests of present and

future generations of Canadians, they must be free and encouraged to present their views as forthrightly as possible to the Minister, taking into account political realities that may or may not have been explained to them in confidence, but without compromising the environmental soundness of their analysis.

The extent to which these views can or should be revealed to the public will depend, in part, on their relationship to existing or proposed policy and, in part, on the Minister's wish to promote public discussion; but the decision, and perhaps even the initiative, will be up to the Minister if his/her confidence is to be retained. In the intimate trust relationship that must exist between minister and advisory council, a complicating factor is the department whose staff may not always perceive advice given by the council as consistent with their priorities or salutary to their particular interests.

For optimum value to a minister, a ministerial advisory council must give top priority to responding to questions posed by the Minister; and it would be reasonable to expect that these will normally relate to the Minister's area of responsibility. This would not, however, preclude such a council providing information and advice on issues it sees as important - provided it has sufficient resources to do this as well as respond to ministerial requests. Some of these environmental issues may well relate to areas of responsibility of other ministers or even other jurisdictions as the "environment" knows no jurisdictional or administrative boundaries. In particular, there is need for close working relationships with health officials as many of the environmental issues are perceived by the public as matters which have a direct impact on human health.

This "confidential advisory role" will undoubtedly always be seen by some as a lack of

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### Three Types of Environmental Councils

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independence on the part of the council - there will always be uncertainty as to whether a particular issue has been examined at all, examined but not revealed to the public, or only partially revealed. This is the reason for public skepticism that a ministerial advisory council can function as an independent advocate for the environment.

#### 4.2 Independent Environmental Council

With respect to a completely independent environmental council serving primarily public interests, the "need" is sometimes visualized (for example, the Macdonald Commission and the Pearce Inquiry) as the freedom to examine and report on any environmental issue without regard to existing or proposed policy or jurisdiction and to bring these matters to the attention of the public and the government in the interests of the protection and enhancement of the environment. Such a council would be an advocate for the environment itself and need not be considered to represent any specific interest or group. The decision as to what issues to examine would be entirely up to the council. There are others (for example, the Niagara Institute report and the Desfossés report), however, who believe that the primary "need" is more closely related to the coordination of a national data collection and compilation system and the production of comprehensive state of the environment reports, which might even be used as accountability measuring systems for the assessment of government progress against pre-stated targets.

Some of the characteristics visualized for an independent environmental council are:

- (a) created by a specific Act of Parliament;
- (b) reports directly to Parliament through a minister or the Prime Minister (similar to the Science Council and Economic Council);
- (c) serves as an independent and objective source of data and information on environmental matters;
- (d) galvanizes society's attention in the pursuit of environmental goals, and speaks out on

its behalf;

- (e) addresses national and international/global, not just federal, issues;
- (f) provides "think tank" setting for early warning assessments;
- (g) monitors specific activities with a high potential for causing an environmental impact, and monitors the overall state of the environment;
- (h) free to take a controversial position on any issue;
- (i) generates its own program and priorities; and
- (j) provided with sufficient resources to conduct research and commission studies.

#### 4.3 Expanded Ministerial Environmental Advisory Council

With respect to an expanded ministerial advisory council fulfilling the personal and confidential requirements of the Minister and, at the same time, promoting greater public awareness and understanding of crucial environmental issues, the "need" is seen to be a reflection of changing societal values coupled with a high level of public concern about environmental quality. The public wants independent, authoritative views on environmental questions and it is skeptical of bureaucratic answers. At the same time, the Minister of the Environment wants a second, unbiased opinion to help balance views expressed by departmental staff and by various lobby groups. In addition, the Minister may feel more comfortable by having an opportunity for informal discussions with council members when they have established effective communication channels with environmentally concerned citizens or groups. This position of trust is looked on favourably by both the Minister and by the interested public.

Some of the characteristics which have been proposed for an expanded ministerial advisory council are:



### Three Types of Environmental Councils

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- (a) established either by special legislation or Order-in-Council;
- (b) reports to the Minister of the Environment;
- (c) responds to requests for information or advice from the Minister;
- (d) generates work program and priorities, in consultation with the Minister, relating to:
  - identifying impending issues or consequences of government action/inaction;
  - identifying gaps/inadequacies in support of environmentally-oriented research;
  - undertaking in-depth studies on major environmental issues;
  - anticipating/forecasting potential problems;
  - promoting public awareness of environmental problems (real or potential);
- (e) maintains relationships with public interest groups, industry and government at all levels;
- (f) involved in conferences, seminars and workshops on environmental issues; and
- (g) encourages holistic, long-term approaches to resource use and management, both nationally and internationally.

In order to retain the Minister's confidence, the council must avoid direct public confrontation with the Minister and it must not become the advocate for the public or any special interest group. To be effective, the council must give independent advice to the Minister as frankly and forthrightly as possible; its recommendations must be technically sound and yet sensitive to political realities; and it must develop and maintain the respect of the public by promptly publishing reports and actively promoting public awareness of important environmental issues. The council will require an increased membership and more resources than the present Canadian Environmental Advisory Council, but considerably less than would be required for a completely independent environmental council.

The public role of the council, and therefore the public's perception of the value and usefulness of the council, is particularly important for two separate but interrelated reasons. The public perception of the council as an independent, authoritative voice on environmental matters enhances its value to the Minister. At the same time, the public role of the council contributes to the ability to attract competent, high calibre members who are ready to serve the interests of the environment, usually on a semi-voluntary basis.



## 5. Structure, Relationships and Functions of Governmental Councils and Advisory Bodies

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Since 1978, four special studies/reviews of the role and functioning of advisory councils, including CEAC, have contributed to an understanding and clarification of the issues.

### 5.1 P.S. Ross and Partners Study, 1978

This study was commissioned in 1978 by Canada Employment and Immigration to examine ten councils and advisory bodies of the Federal Government to assist in the development of recommendations concerning the proposed Canada Employment and Immigration Advisory Council. The study involved a review of relevant documentation as well as interviews with senior officials. Among the councils and advisory bodies included in the study were: Advisory Council on the Status of Women, Canadian Environmental Advisory Council, Economic Council of Canada, National Council on Welfare, and the Science Council of Canada.

It was concluded that among the ten bodies studied, their primary roles could be assigned to one of four variations:

- (a) working closely with and providing advice of a confidential nature to a minister;
- (b) working with and advising a minister, but in an independent fashion, frequently making opinions and recommendations known to the public;
- (c) having statutory or legal responsibility to publish views and recommendations; and
- (d) having a statutory responsibility to act as an advocacy body for a particular sector of the population.

The study also indicated that an advisory body must choose between acting as a confidential

advisor to the Minister and providing its advice in a public manner. It found generally that councils which work closely with a minister in a confidential fashion adopt a reactive style, responding to requests from the Minister. Councils which operate more independently adopt a proactive style as they tend to generate their own program of activities. Almost all the advisory bodies involved in this study focused their deliberations on matters of medium- and long-term significance as compared with issues of a short-term or crisis nature.

The study determined that CEAC's primary role was to provide the Minister with independent, informed advice on the problems and policies of the environment. In practice, the Council had demonstrated both reactive and proactive responsibilities which were related to the varying interests of the five different ministers in the five-year period following the Council's formation.

Overall, the study concluded that the elements which are critical to the effectiveness of a ministerial advisory body are:

- (a) commitment of the Minister to the concept;
- (b) leadership and vision of the chairman, including compatibility with the Minister and senior departmental officials;
- (c) composition of the council in terms of the mix of knowledge and experience, and ability to use these in the national interest;
- (d) a clear statement of the council's mandate; and
- (e) independence from the bureaucratic structure of the department.

The first three points involve personal characteristics and are, therefore, continually subject to the personalities of the individuals involved. The last two points can be "stabilized" through formal mechanisms (e.g. legislation).

### **5.2 Eighth Assembly of Environmental Councils of Canada, 1983**

The role of environmental councils was a major agenda item at the Eighth Assembly of Environmental Councils of Canada in 1983. Formal presentations were made by the then federal Minister of the Environment (the Honourable John Roberts), a consultant (Dr. David Brooks), and a spokesman for the Manitoba Environmental Council (Dr. A.C. Maniar). There were also a number of workshop sessions focusing on relations with the public, with government departments, and with ministers of the environment.

Again, there was a recognition that two types of councils are possible - those for whom the audience is primarily the Minister, and those for whom the audience is primarily the public. Views differed, however, as to how sharply these roles should be defined and separated. Some felt very strongly that it was impossible for a single council to serve both functions effectively. Others saw little conflict because "advice is arrived at through an understanding of the environmental concerns of the public and the public is a minister's ally".

In summarizing the outcome of these deliberations, five possible roles for environmental councils were identified by the Eighth Assembly:

- (a) provision of policy advice to the Minister, with emphasis on longer term issues and dynamics;
- (b) work on specific environmental issues, particularly those requested by the Minister, including public hearings;
- (c) a route to the Minister for expression of public opinion;
- (d) provision of technical advice to the Minister; and

- (e) presentation of issues to the public, including adequate information to ensure credibility in the decision making process.

It was further concluded that there was no real contradiction between serving both the Minister and the public simultaneously, provided that:

- (a) the council does not become an advocate for the public or special groups;
- (b) the council avoids public confrontation with the minister; and
- (c) the council retains the Minister's confidence.

The core features of an effective council, regardless of the combination of roles, were agreed to be:

- (a) must give independent advice to the Minister - must be free to do so and be seen by the public to be independent;
- (b) recommendations must be technically sound;
- (c) must address priority issues; and
- (d) must be financially independent (at a minimum satisfactory level).

### **5.3 Operational Planning Study by Environment Canada, 1983**

Later in 1983, as part of its responsibilities for integrating program and budget proposals from CEAC into the departmental annual estimates, the operational planning staff of Environment Canada undertook a survey of 10 advisory councils to determine how they were resourced and what their reporting relationships were to their ministers and deputy ministers. Among the councils investigated were: Fisheries and Oceans Research Advisory Council, Canadian Forestry Advisory Council, Canada Employment and Immigration Advisory Council, Canadian Advisory Council on the Status of Women, and the Science Council of Canada.

All of the councils studied fell into one of three classes: department-associated, commission, or

departmental crown corporation. Although the rules are not hard and fast, the characteristics of these three classes were generally found to be as follows:

### **Department-Associated:**

(e.g. Canadian Forestry Advisory Council):

- (a) most have legal status;
- (b) advice is provided to the Minister or deputy minister;
- (c) usually, members are appointed by Governor-in-Council;
- (d) responsible to appropriate deputy minister for financial and administrative purposes;
- (e) head of secretariat reports to the deputy minister for administrative and financial matters and to the chairman for substantive matters;
- (f) work plans are generally agreed to with the minister;
- (g) secretariats have own budget (125-700K) and staff (1-10 PYs); and
- (h) financial and staffing procedures are subject to Treasury Board requirements.

### **Commissions:**

(eg. Canadian Advisory Council on the Status of Women):

- (a) some are established by Order-in-Council;
- (b) covered by Schedule "A" of the Financial Administration Act (same as department-associated);
- (c) report to Parliament through specified minister;
- (d) chairman has same authority as deputy minister;
- (e) have their own budget (2-5 M) and staff (30-60 PYs);

- (f) receive direction from minister, but major activities are generated internally;
- (g) budget approved by parliamentary vote; and
- (h) financial and staffing procedures are subject to Treasury Board requirements.

### **Departmental Crown Corporations:**

(e.g. Science Council of Canada):

- (a) have separate legislative base;
- (b) report to Parliament through a minister;
- (c) authority for program is entirely with the chairman or full council;
- (d) covered by Schedule "B" of the Financial Administration Act;
- (e) have their own budget (4-10 M) and staff (35-200 PYs);
- (f) comply with Treasury Board regulations; and
- (g) receive only very broad direction from the Minister.

The operational planning staff recommended that CEAC retain its department-associated status; that a formal submission be made to Treasury Board for approval for the necessary staff resources for the secretariat; and that further consideration be given to the need for establishing a legal status for CEAC.

### **5.4 Bureau of Management Consulting Study, 1986.**

In 1986, CEAC commissioned the Bureau of Management Consulting (BMC) to conduct a review of the secretariat by assessing the needs of Council, analyzing the organization of the secretariat, and reviewing the reporting responsibilities of the secretariat staff. Although not specifically called for in this study, the role of CEAC had to be taken into account in reviewing the secretariat and its functions. As part of this review, the BMC staff obtained information about the structure and operation of eight other advisory



councils, six classified as department-associated and one each as government-associated and non-government (lobby) organizations.

With respect to the vital question of the compatibility of a high profile, advocacy role with an independent confidential advisory role, the consultants concluded that this was not a problem with three of the more successful department-associated councils (the National Advisory Council on Aging, the Canada Employment and Immigration Advisory Council, and the National Council on Welfare). In fact, the executive directors of these three councils stressed the need not only to be independent, but also to be seen to be independent (for example, by not brooking any attempts by their responsible ministers or departments to edit or change council reports, by having the council identified in all government directories as a separate entity, and by having their quarters separate from the department). The three councils indicated, however, that they do play the confidential, advisory role when warranted by sensitive, potentially embarrassing issues. Ministerial confidence in the council as an advisory council was considered to be absolutely essential.

The consultants considered the advantages and disadvantages (in the light of the economic and political "realities" of 1986) of various options for CEAC, including several varieties of a department-associated relationship, two government-associated and a non-government (lobby) organization. Their preferred option was to seek higher visibility, independence and continuity within the context of department-association with Environment Canada. The consultants made a number of suggestions for achieving this status including:

- (a) Order-in-Council or legislative recognition of CEAC;
- (b) provision of adequate resources for the secretariat to support CEAC;
- (c) separate and unique identification of CEAC by:
  - separate listing in government telephone directories;

-separate accommodation from Environment Canada;

-CEAC logo on letterhead, reports, etc

- (d) the development of a Memorandum of Understanding (MOU) between CEAC and Environment Canada defining the relationship and the type and level of services to be provided to CEAC by the department.

### 5.5 Conclusions

The examination and review of the role and functioning of governmental advisory councils and bodies referred to in the above studies indicate that advisory councils can range from those with a very low profile, strictly responding to ministerial requests for advice, to those which can be very active and aggressive in promoting issues and positions in public, whether they are consistent or not with existing or proposed policy. Over the years, CEAC has functioned part way along this spectrum. It has avoided public confrontation with the Minister, but has been able to draw attention to some very broad policy questions which have environmental implications. The Science Council and the Economic Council are more independent and further along this spectrum. There comes a point along the spectrum when a ministerial advisory council cannot easily retain the confidence of the Minister (a point which will vary from minister to minister), and when that point is crossed the effectiveness of the advisory role of the council is diminished (for that minister). Figure 1 is an attempt to portray this spectrum, showing the two extreme positions at each end - a solely reactive council at one end and a solely proactive one at the other end - with CEAC falling somewhere toward the reactive end.

The trends in these studies, combined with the evolution which has taken place in public attitudes and in CEAC's activities and the composition of its membership, led the Bureau of Management Consulting to the conclusion that it is increasingly acceptable for a ministerial advisory council to serve a much broader role than that contemplated at the time CEAC was created. The overriding concern for such a council would always be to retain the confidence of the Minister by avoiding



public confrontations with him/her. This means also avoiding advocacy for any special group, and avoiding advocacy on behalf of the public and the environment where inconsistent with government policy.

On the other hand, not all councils are established primarily as ministerial advisory councils, and these can and do play a more aggressive role in

advocating positions on various issues whether or not their views are consistent with existing government policy. At this time there is no environmental council in Canada to fulfil this role or serve solely the interests of the environment nationally.

SOLELY  
PROACTIVE

TRANSITION ZONE

SOLELY  
REACTIVE

# CHARACTERISTICS

Very low public profile  
Tied to ministerial  
direction and priorities  
Responds to Ministerial  
requests for advice  
promotes issues consistent  
and compatible with government  
policy  
public hearings excluded  
Has high ministerial  
confidence  
Has low public confidence

Range where the level of ministerial/public  
confidence is in transition - depends on the  
subject matter, the personalities of the  
minister and council, the changing attitude  
of the public, and the frequency of occurrence  
of issues which are treated within or beyond  
the range

Very high public profile  
Totally independent of government  
direction or priorities  
Sets own program  
Promotes issues regardless of  
government policy  
public hearings mandatory  
Has high public confidence  
Has low ministerial confidence

**NOTES:** The ends of the spectrum are the theoretical extremes - their pure existence is unlikely. Nevertheless, the descriptions of the extremes clarify their different goals.  
As a ministerial advisory council, CEAC has operated somewhere to the left of the transition zone although some topics have, on occasion, fallen within the zone. For each minister, there will be a point within the zone when the minister begins to lose confidence in the council and it becomes less effective as a ministerial advisory council.  
At the same time, the council may well have gained public confidence and, consequently, become more effective in bringing environmental issues into public focus.

FIGURE 1. SPECTRUM OF ADVISORY COUNCIL ROLES

## **6. Additional Processes and Mechanisms for Advising the Minister and the Public on Environmental Matters**

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### **6.1 The Canadian Environmental Protection Act (CEPA)**

Provisions found in the Environmental Contaminants Act, the Canada Water Act, the Clean Air Act, and the Department of the Environment Act have been consolidated in this 1988 Act, which is focused on a new approach to the control of all aspects of the life cycle of toxic chemicals. It includes extensive provision for consultation with provincial and territorial governments in the setting of guidelines and standards, as well as in the development and application of enforcement and compliance procedures. The Act also requires the Minister to report on the state of the natural environment.

The Act emphasizes the right of all Canadians to a clean and healthy environment. It includes the right for an individual:

- (a) to seek a review of regulations under the Act;
- (b) to request that a suggested toxic substance be included in the Priority Substances List for assessment;
- (c) to ask for an investigation about a suspected violation of the Act; and
- (d) to seek an injunction where it is suspected that harm may be caused by a violation of the Act.

The implementation of more extensive and more open consultation procedures will not, of itself, remove the need or usefulness for consideration of similar issues by a ministerial advisory council, although it may affect the priorities assigned to its work program. In fact, such procedures may result in an increased need for a minister to seek the council's advice. Because of the wide range of public concerns about toxic chemicals (from production through to ultimate disposal), there are

many aspects which lend themselves to in-depth study by an independent environmental council.

### **6.2 Creation of an Advisory Council on the State of the Environment**

Several of the reports of external observers referred to in Section 3 emphasized the importance of data collection and presentation in the form of assessments of the state of the environment. These reports all appeared before the 1986 publication of the Environment Canada-Statistics Canada State of the Environment Report for Canada. This first comprehensive national report on the state of Canada's environment introduced some innovative features, including the compilation of part of the data in a new ecosystem framework and an attempt to organize the structure of the report on the basis of a stress-response model, while retaining traditional resource sector analyses (agriculture, forest, aquatic and wildlife systems). Preparation of the report involved extensive consultation both within different levels of government and with representatives of other organizations and institutions. The authors were given a relatively free hand to examine the broad picture, and to report as objectively as possible on the general status and trends in the quality of the environment, without making specific recommendations.

The report was not intended as a policy document, but rather as a basis for policy discussion and for public education. The report was based on existing data, and limitations due to lack of compatibility, representativeness, and timeliness were acknowledged in the hope that efforts would be made to overcome these problems for successive reports. The publication of this report, followed by the House of Commons approval (1988) of the Canadian Environmental Protection Act which, *inter alia*, calls for the publication of state of the environment reports, will



need to be taken into consideration in connection with any proposal to create a special advisory council on the state of the environment.

The concept of having an independent body responsible for the "coordination" of a national data collection and compilation system needs to be given careful consideration. Some "environmental" data, for example, those relating to natural resources, may be the same as or closely related to conventional production and consumption statistics of the kind collected through well-established and carefully planned studies by Statistics Canada or other sectoral departments. Other "environmental" data, however, may be what has come to be called environmental monitoring data - measurements of specific contaminants in various media (air, water, soil, food, humans). These data are collected by different agencies for varying purposes (compliance, ambient condition assessment, fundamental field research on cause-effect). The choice of location for sample collection, frequency of sampling and analytical techniques are all related to the purpose of the monitoring program and to the laboratory capability. The nature of the data required for a national state of the environment report will be quite different from that required to ensure, for example, that some industry is conforming to regulatory requirements placed upon it.

If "coordination" is understood to include specifying details of the data collection process, it is unlikely that specific government agencies would be prepared to accept direction from an independent outside body as to how their data gathering resources should be allocated, particularly if the output does not meet their own needs. If "coordination" is intended to be limited to the cooperative development of a national databank for the storage and ready accessibility of "environmental" data, this may be feasible in theory even though it would be a mammoth undertaking which would overlap existing data systems (i.e. Statistics Canada, Environment Canada and many others). Neither of these interpretations addresses the important question of the need for quality control and intercomparison studies to ensure the continuing compatibility of related data collected by different agencies.

A data-collecting and reporting agency as envisaged here cannot, however, function as a replacement for either a ministerial or independent environmental council although it could be a valuable supplement to either or to both.

### **6.3 The CCREM National Task Force on Environment and Economy**

This Task Force was created in 1986 following the visit to Canada of the World Commission on Environment and Development (Brundtland Commission). The Task Force report (1987) supported the development of conservation strategies as a basis for environmentally sound economic development, and proposed a number of activities and mechanisms that would help to accomplish this aim. It also proposed the establishment, at the national, provincial and territorial levels, of Round Tables on Environment and Economy with participation from government, industry, environmental organizations, labour, academic and aboriginal peoples. These Round Tables would serve as forums to candidly discuss environment-economy issues, to make recommendations directly to the First Ministers of their respective jurisdictions, and to report their conclusions directly to the public.

By October 1988 the federal government and seven of the provinces/territories had begun the task of establishing Round Tables and preparing for initial meetings. The successful creation and implementation of these Round Tables will influence the nature and priorities of the work undertaken by a ministerial advisory council or, for that matter, of the work of any independent environmental council, particularly in some of the very broad policy areas. The National Round Table may provide an opportunity for the federal ministerial advisory council to enhance its effectiveness and to support and influence senior decision makers, including economic ministers and the Prime Minister, by preparing studies for the Environment Minister, as a member of the National Round Table.

### **6.4 Energy Options Process**

In April 1987 the Minister of Energy, Mines and Resources appointed an advisory committee to



undertake extensive public consultations as part of a comprehensive review of Canadian energy issues. The report, *Energy and Canadians into the 21st Century*, was published in 1988. It recommended an energy policy framework comprising seven principles related to: energy and development; energy security; energy and the environment; energy and markets; energy and the fiscal system; energy efficiency; and energy and technology.

The principle recommended for the energy and environment area was: "environmental goals should be accorded the same importance as other economic and social goals in the planning, development and use of energy". It was also emphasized that environmental concerns should remain active concerns throughout any energy project, and that governments should assure participation by interested stakeholders in the thorough consideration of the environmental dimension in energy planning. The Advisory Committee expressed the belief that the concept of sustainable economic development represents an important goal for energy policy. They also concurred with the National Task Force proposal on Round Tables.

The Energy Options Process may represent the first of other similar public reviews in other policy areas. The open, interactive nature of such consultations presents a further opportunity for either a ministerial advisory council or an independent environmental council to present its views more directly to other ministers in addition to the Environment Minister.

### **6.5 Proposals for Reforming the Environmental Assessment and Review Process**

The federal Environmental Assessment and Review Process (EARP) was implemented on April 1, 1974 under the authority of the Minister of the Environment. The policy was intended to ensure that departments and agencies took environmental matters into account throughout the planning and implementation of projects, programs and activities for which federal funds were solicited or for which federal property was required.

As a result of experience gained, the Process was amended in 1977. In 1984, *Guidelines Respecting the Implementation of the Federal Policy on EARP* were published as an Order-in-Council. In 1987 the Minister obtained Cabinet agreement on the need to reform the Process, and was authorized to undertake widespread consultations and report back to Cabinet with specific proposals. The consultation process was concluded in March 1988, and, at the time of writing, work is proceeding on the preparation of specific proposals for reform. Among the proposals which were presented for consideration were:

- (a) the need for a specific legislative base for the Process;
- (b) the need for earlier public involvement in the Process, and the right to appeal decisions or call for further review;
- (c) the need for more consistent application by all government departments and agencies;
- (d) the need for a stronger role for the Minister of the Environment;
- (e) the need for "audits" to ensure that the Process has been implemented properly;
- (f) the need for procedures to be able to handle broad policy proposals as well as individual projects; and
- (g) the need to harmonize processes when interjurisdictional matters arise.

In October 1988 the Minister of the Environment announced the Government's intention to legislate and strengthen the Federal Environmental Assessment and Review Process to better integrate environmental and economic decision making. The announcement indicated that the Federal Environmental Assessment Review Office (FEARO) will determine if there is a need for a public review of any environmental assessment which will become mandatory for all activities within the decision making authority of federal institutions. Any interested party may appeal a FEARO decision to the Environment Minister.

There will also be limited funding to assist intervenors at public reviews, and environmental assessment panels will be given subpoena powers when conducting public reviews. Mediators can be used to resolve environmental disputes, and overseas aid projects will be subject to environmental assessment. The announcement did not refer to audit arrangements as such.

These developments could certainly have an impact on further considerations of any environmental council role review, especially in three areas:

- (a) Greater public involvement in the EARP process (and similar provincial processes) may reduce the perceived need for an independent environmental council;
- (b) The acceptance and introduction of a comprehensive "audit" function under EARP might remove the need to retain any reference to "views on the performance" of Environment Canada as enunciated in the 1981 ministerial advisory council role statement, but not in the 1984 version (see Appendices 4 and 5);
- (c) The acceptance and introduction of procedures designed specifically to handle broad policy proposals (i.e. along the lines of the CCREM Task Force proposed "Round Tables") would need to be taken into account in considering the work programs for either a ministerial advisory council or an independent environmental council.

### 6.6 Growth in "Think Tanks"

Over the past twenty years, there has been a marked increase in the development of both the private enterprise and government-supported consulting services sector in Canada. Initially, larger organizations focused on economic questions, and the organization and management of business and government offices to improve efficiency in operations. With the growth of the environmental movement and governmental control came a concomitant growth in environmental consulting services as well as the introduction of specific university programs and

faculties in the environmental sciences. Gradually, there was a recognition that there was a place for non-bureaucratic organizations to become involved in broader issues, including policy questions. Some remained completely non-governmental, while others retained a quasi-governmental relationship through partial funding or staff sharing.

There are now a number of organizations involved with or prepared to undertake environmentally-oriented studies relevant to public policy developments. For example, the Institute for Research on Public Policy has implemented a sustainable development program in response to the Brundtland Commission report "Our Common Future". Another example is the Rawson Academy of Aquatic Science which has adopted an aquatic ecosystems approach that encompasses scientific, social, technical, legal and administrative issues. Other examples include the Canadian Environmental Law Association and the Westwater Institute.

There are a variety of environment-oriented institutes at universities right across the country. Many of these undertake special studies under contract, in addition to developing coordinated multidisciplinary environmental training courses in the university. Examples of some of these university-centred groups include: the School for Resource and Environmental Studies at Dalhousie University, the Institute for Environmental Studies at the University of Toronto, the Faculty of Environmental Studies at York University, the Faculty of Environmental Studies at the University of Waterloo, the Faculty of Environmental Design and the School of Resources Law at the University of Calgary.

The broad range of consultant expertise is an asset to either a ministerial advisory council or an independent environmental council, in terms of their published views on environmental issues and also as a source of individuals to assist in carrying out specific studies relating to their particular knowledge and experience. It should be noted, however, that when these consultants are not formal members of a ministerial advisory council they do not have access to the same personal and confidential relationship with the Environment



Minister and, therefore, cannot easily relate to the specific needs of the Minister.

### **6.7 New Zealand-style Parliamentary Commissioner for the Environment**

The New Zealand Environment Act, 1986, came into effect on January 1, 1987. It created the office of the Parliamentary Commissioner for the Environment - an office with a role akin to both an ombudsman and an auditor general. The Commissioner provides independent advice to Parliament on the maintenance and improvement of the quality of the environment. His/her functions include:

- (a) responding to requests from the House of Representatives;
- (b) investigating the effectiveness of public authority environmental planning and management;
- (c) investigating any matter where the environment may be adversely affected; and
- (d) encouraging and disseminating environmental information.

The investigative power, independence from the bureaucracy, and the direct reporting to Parliament closely resemble features of the Commissioner of Official Languages in Canada.

Suggestions were made during the consultations on EARP reform that Canada should adopt the New Zealand-style Parliamentary Commissioner for the Environment. Given the differences between Canada and New Zealand in terms of population, size, constitutional powers, and institutional structures, this does not seem likely now, but, if it should happen, it would not reduce the need for an environmental advisory body capable of providing personal and confidential advice to the Minister of the Environment. It could, however, affect the need for or role of an independent environmental council.

### **6.8 Environmental Non-Government Organizations (ENGOS)**

Environmental non-government organizations have been formed to fulfil a wide variety of purposes. Some have existed for many years, while others have emerged more recently in response to high priority issues of the day (e.g. the Canadian Coalition on Acid Rain). Some are oriented to broad nature and conservation issues, while others are more specific-subject matter oriented (e.g. the Canadian Coalition for Nuclear Responsibility). Some are national or international in focus, while others have a clear local or regional focus.

Examples of the wide range of ENGOS in terms of their nature and scope include: Friends of the Earth, Pollution Probe, Société pour vaincre la pollution, Canadian Arctic Resources Committee, Energy Probe, Ecology Action Centre, National Survival Institute, Saskatoon Environmental Society, Canadian Environmental Law Association, Canadian Nature Federation, Canadian Wildlife Federation, World Wildlife Fund, Sierra Club, Natural History Society of P.E.I., Federation of B.C. Naturalists, and various fish and game associations.

There are more than one thousand such groups of dedicated and committed individuals, and they are all prepared to lobby governments to take specific action and to bring their particular concerns to the attention of the public, especially when their areas of interest may be affected.

The government has the responsibility of balancing the competing claims of the various interest groups in the interests of society as a whole. To assist in this process, there will always be a need for the Minister of the Environment to have readily available a source of independent, informed advice such as a ministerial advisory council provides, which should be both balanced and scientifically sound. By the same token, an independent environmental council could fulfil the needs of ENGOS and the wider public for sound advice and detailed analysis on any environmental issue, without regard to policy implications or jurisdiction.



### 6.9 International and Global Environmental Concerns

While many environmental issues in Canada require cooperative efforts of both federal and provincial governments, there are many others for which solutions depend upon cooperative international and even global action. Transboundary problems such as acid rain have become a high priority in Canada-USA relations; global warming and climate change through the "greenhouse" effect, and the consequences of the gradual depletion of the ozone layer, have been the focus of attention in international organizations and at international conferences; preservation of wildlife and endangered species, and the protection of migratory species, have been the subjects of international conventions; wetlands, ecological reserves and heritage sites have also been the focus of international examination and convention; transboundary shipments of toxic substances and wastes are currently receiving much international attention, as is the whole subject of sustainable development and the linkages between the environment and the economy.

Canada has been in the forefront of countries and international organizations addressing these issues. Canada played a leading part at the 1972 Stockholm United Nations Conference on the Human Environment and has been active in the United Nations Environment Programme ever since. It has also been active in the environmental programs of the OECD, NATO, UN Economic Commission for Europe and UNESCO, and in the environment-related activities of the WMO, WHO, FAO, IAEA, IUCN and many other international bodies. Ever since the signing of the Boundary Waters Treaty in 1909, Canada and the United States have had regular meetings and discussions on environmental matters through the International Joint Commission. Canada is a signatory to many bilateral and international environment-oriented treaties and conventions.

Public awareness of the importance of these international and global environmental issues is increasing, and Canada's reputation has been enhanced through its recent participation in such activities as the development of the 1987 Protocol

to the Vienna convention on ozone, the development of a federal-provincial-private enterprise cooperative implementation plan as part of the North American Waterfowl Management Plan, the hosting of an international conference on climate change, and a meeting of the signatory states of the Convention on Wetlands of International Importance.

The Minister of the Environment was the Canadian spokesperson at the 1987 United Nations General Assembly (UNGA) consideration of the Brundtland Commission report "Our Common Future", and Canada and Sweden are seeking UNGA support for a 1992 UN conference on sustainable development, which would also serve to assess the state of the world environment 20 years after the Stockholm Conference. In 1988, the Minister of the Environment became the Hoyt Fellow and Graves Lecturer at Yale University, and was also the first foreign government official to be awarded the United States Sierra Club Edgar Wayburn Award for outstanding environmental work by a political leader.

In the years following the Stockholm Conference, interdepartmental mechanisms were established to develop an overall policy framework and to coordinate federal input to Canada's environmental position at the many international organization meetings. Perhaps, partially as a result of economic restraint measures (i.e. a matter of priorities), partially as a result of perceived slowness in progress towards collective international action, and partially because of changing personnel, participation in these interdepartmental mechanisms declined to the extent that policy matters now tend to be issue-oriented and based more on an ad hoc process of selective consultation pertinent to the issues under discussion.

With the more recent emphasis to consider environmental matters within a sustainable development concept, and in recognition of provincial responsibilities and other interests in resource management, the consultation process is being broadened to include not only the Canadian Council of Resource and Environment Ministers, but also groups of potentially affected stakeholders in the private sector.

The importance of these issues, particularly in the long-term, is enough to warrant periodic independent examination of Canada's overall policy in international and global environmental matters. This could be undertaken by either a ministerial advisory council or an independent environmental council, or both.

### 6.10 Summary

This brief review of additional processes for advising the Minister and the public on environmental matters reflects an awareness of the need for greater public involvement in environment-related decision making, as well as the need to include environmental concerns as an integral part of economic and social policy development, both nationally and internationally.

The successful implementation of various proposals, such as public involvement in decisions about toxic chemicals, the creation of Round Tables to advise governments on environment-economy issues, the integration of environmental concerns in energy policy development, and extended audit procedures to ensure that environmental assessments have been performed before decisions are made will all have an impact on the nature and priorities of work that could or should be undertaken by environmental councils. These, and the other processes described above, reinforce the need for the Minister to have ready access to a source of confidential, objective advice to be able to propose sound policy and to balance competing interests, and the need for society to have an independent assessment of broad environmental trends and concerns, not just those related to specific policy initiatives.

## 7. Overall Assessment and Conclusions

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As summarized in section 5 of this report, a variety of studies and reviews of the structure, relationships and functions of federal councils and advisory bodies conducted between 1978 and 1986 indicate a significant evolutionary trend towards more openness and greater public awareness of the activities of such bodies. It seems that with care and judgment, a number of ministerial advisory councils have been able to bring important issues to public attention, while protecting their responsibility to provide confidential advice to the Minister on "sensitive" matters where their views may not necessarily agree with government policy or proposals. At the same time, there are some councils which were specifically created to provide independent analysis of issues and problems and to promote wider public understanding of such issues without being restricted by existing or proposed government policy. The Science Council and the Economic Council are examples. At the present time, there is no independent council whose mandate is to examine environmental issues.

As shown in section 6, there are or have been proposed a number of other processes and mechanisms for advising the government and the public on environmental matters. Some of these are quite recent and it is reasonable to expect that there will be refinements and further developments that will have a bearing on the attempt to define the role of the Canadian Environmental Advisory Council. For example, the way the Canadian Environmental Protection Act is implemented with respect to such matters as public input into the toxic chemical decision making process, or into reporting on the state of the environment, will have a bearing on the activities of the Council.

The operation of the National Round Table on Environment and Economy, and the reformed federal Environmental Assessment and Review Process, will also affect the nature of the work and the public awareness aspects of the role of the Council.

In the ideal situation, where a Minister of the Environment and the Government are committed to a strong and open program of protection and enhancement of the environment (for the benefit of present and future generations), there is not a great deal of difference between the nature of the tasks that could be undertaken by either an expanded ministerial advisory council or an independent environmental council.

In reality, however, both types of council have merit. The unique and important feature of an independent council is the freedom to decide its own program and priorities, and to be an uninhibited public advocate for the environment. The equally unique and important feature of a ministerial advisory council is its direct access to the Minister of the Environment and its increased influence within the governmental system.

In conclusion, an experienced, committed and sensitive ministerial advisory council can provide the Minister of the Environment with a forum in which he/she can relax and openly discuss issues of concern, with complete confidence in the discretion and support of the council. This, in itself, is an enduring value which should be nurtured for the benefit of the Minister, Council members and, ultimately, the Canadian public. This should not preclude the continued exploration and possible promotion of the need for an independent environmental council.



## **Appendix 1:**

### **Partial Listing of Documents Reviewed for this Study**

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| <p>(1) P.S. Ross and Partners, August, 1978. Report for Canada Employment and Immigration on a study of ten councils and advisory bodies of the Federal Government.</p> <p>(2) Roots, E.F., July, 1979. Memorandum to Deputy Minister, Environment Canada, with attached material concerning an environmental advisory council.</p> <p>(3) Chant, D.A., October, 1981. Letter to the Minister of the Environment, with attached statement on role of the Canadian Environmental Advisory Council.</p> <p>(4) McConnell, M., March, 1983. Letter to Mr. Tom Beck, Chairman, CEAC, with attached discussion paper on the role of the Canadian Environmental Advisory Council.</p> <p>(5) Canadian Environment Advisory Council, 1983. Report of the Eighth Assembly of Environmental Councils of Canada, with a section on the role of environmental councils.</p> <p>(6) Clark, K.H., December, 1983. Memorandum to Assistant Deputy Minister (Planning), Environment Canada, with attached report on a survey of advisory councils.</p> <p>(7) Canadian Environmental Advisory Council, 1984. Terms of Reference.</p> <p>(8) Mactaggart, Terry and Shephard, Ken, August, 1985. Letter to Mr. A.J. McIntyre, Environment Canada, concerning the Consultation on Environment, Jobs and the Economy jointly sponsored by The Niagara Institute and Environment Canada, with attached Task Force 3 summary statement.</p> | <p>(9) McConnell, M., September, 1985. Memorandum to Mr. Tom Beck, Chairman, CEAC, with attached annexes concerning the role and function of advisory bodies.</p> <p>(10) Desfossés, A.F., Team Leader, February, 1986. Environmental Quality Strategic Review.</p> <p>(11) Beck, Tom, September, 1986. Letter to the Minister of the Environment concerning the role of CEAC.</p> <p>(12) Bureau of Management Consulting, October, 1986. Final review of the Secretariat, Canadian Environmental Advisory Council.</p> <p>(13) Government of New Zealand, December, 1986. Environment Act 1986 (including provision for the establishment of the office of Parliamentary Commissioner for the Environment).</p> <p>(14) Energy Options Advisory Committee, 1988. Energy and Canadians into the 21st Century.</p> |
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In addition to the documents cited above, there were a number of other communications (some undated and some anonymous) as well as extracts from other reports, all of which provided useful background material for this study.

STATISTICAL SUMMARY OF CHARACTERISTICS OF WORK PERFORMED BY CEAC  
1983-84 TO 1987-88

Fiscal Year	No of Outputs	Principal Form of Output	Origin of Study			Work done by		Nature of Study			Comments
			Minister	Council	Other	Council or Secretariat	Outside Consultant	Technical or Policy	Regional or National	Short Term or Long Term	
83-84	6	Letter to Min.	1	4	1	6		6P	1R, 5N	1ST, 5LT	
	5	Published Rep.		4	1	4	1	3P, 2T/P	5N	5LT	
84-85	12	Letter to Min.	1	9	2	12		11P, 1T/P	11N, 1R	2ST, 10LT	
	2	Published Rep.		2		2		1P, 1T/P	2N	2LT	
85-86	2	Oral Brief	1	1		2		1P	1N	1LT	OECD Env. Min. Briefing Analysis Only Partly Completed
	10	Letter to Min.	2	5	3	10		6P, 1T, 3T/P	9N, 1R	2ST, 10LT	
	3	Published Rep.	1	2		2	1	2P, 1T/P	3N	3LT	
86-87	6	Letter to Min.	1	3	2	6		6P	6N	6LT	
	1	Published Rep.	1				1	1T/P	1N	1ST	
87-88	1	Oral Brief			1		1	1P	1N	1LT	
	1	Letter to Min.			1	1		1P	1N	1LT	
	3	Published Rep.	2	1			3	2P, 1T	3N	1ST, 2LT	

### Appendix 3: Canadian Environmental Advisory Council List of Publications

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#### Reports

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(1) An Environmental Impact Assessment Process for Canada, February 1974. (out of print).</p> <p>(2) An Environmental Ethic - Its Formulation and Implications, by N. H. Morse, January 1975. (out of print).</p> <p>(3) Harmony and Disorder in the Canadian Environment, by P. Danserau, 1975. (English out of print).</p> <p>(4) Towards an Environmental Ethic, by D.A. Chant, March 1977. (out of print).</p> <p>(5) Environmental Aspects of Nuclear Power Development in Canada, by H. E. Duckworth, H. W. Porter and J. S. Rogers, 1977. (out of print).</p> <p>(6) Report of the Second Joint Meeting of Environmental Advisory Councils, May 1977, Fort San, Saskatchewan. (Produced in collaboration with the Saskatchewan Environmental Advisory Council, March 1978).</p> <p>(7) The Management of Estuarine Resources in Canada, by I. K. Fox and J. P. Nowlan, March 1978.</p> <p>(8) Report of the First and Second Meetings of Public Interest Groups with the Canadian Environmental Advisory Council, May 1978.</p> <p>(9) Ecotoxicity: Responsibilities and Opportunities by R. H. Hall and D. A. Chant, August 1979.</p> <p>(10) Report of a meeting between the Public Interest Groups and the Canadian Environmental Advisory Council, May 26-27, 1980. Published in 1981.</p> <p>(11) A New Approach to Pest Control in Canada by R. H. Hall, July 1981.</p> | <p>(12) Wildlife Conservation Issues in Northern Canada, by I. McTaggart-Cowan, October 1981.</p> <p>(13) Water Management Problems in the Third World: Lessons for Canada, by P. F. M. McLoughlin, March 1983.</p> <p>(14) Terms of Reference, March 1984.</p> <p>(15) Report of the Eighth Assembly of Environment Councils of Canada, May 1984.</p> <p>(16) Selected Papers from Assemblies of the Environment Councils of Canada, 1975-1980, March 1985.</p> <p>(17) Sustainability of Farmed Lands: Current Trends and Thinking, by C. F. Bentley and L. A. Leskiw, March 1985.</p> <p>(18) Examining Environment-Economy Linkages, by R. A. Knowles, 1986.</p> <p>(19) Freer Trade and the Environment, May 1986.</p> <p>(20) Enforcement Practices of Environment Canada, by L. Giroux, June 1985. Published January 1987.</p> <p>(21) Review of the Proposed Environmental Protection Act, March 1987.</p> <p>(22) Canada and Sustainable Development. A Commentary on Our Common Future, the Report of the World Commission on Environment and Development and its Implications for Canada. December 1987.</p> <p>(23) Preparing for the 1990's: Environmental Assessment, an Integral Part of Decision Making, February 1988.</p> <p>(24) Listing Toxics Under CEPA - Is the Chemistry Right?, May 1988.</p> |
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## CEAC List of Publications

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### Annual Reports

Annual Review 1973-1974. Part A - Activities. Part B - Problems and Priorities in the Canadian Environment.

Annual Review 1975. Part A - Activities. Part B - Significant Environmental Problems.

Annual Review 1976. Part A - Activities. Part B - The State of the Canadian Environment 1976.

Annual Review 1977-1978. Part A - Activities. Part B - The State of the Canadian Environment.

Annual Review 1979-1980. (Includes: A Decade of Environmental Concern: Retrospect and Prospect; Environmental Assessment and Review Process: Observations and Recommendations).

Review of Activities 1981-1982; 1982-1983. (Includes: A Perspective on the Canadian Environmental Advisory Council; Resolutions of the 1981 Assembly of Environment Councils of Canada).

Review of Activities 1983-1984. (Includes: A Submission to the Royal Commission on the Economic Union and Development Prospects for Canada; Acceptable Risk; Assessing Proposals for a Canadian Pesticides Advisory Board; Completion of the National Park System in the North; The Key to the Future).

Review of Activities 1984-1985. (Includes: Guidelines on Conflict of Interest Situations; The Central Council for Environmental Protection in the Netherlands; Canadian Agricultural Land Base: Quantity and Quality).

Note: CEAC's primary role is to advise the Minister, not to report to the public.  
The above listing of publications reflects only a portion of the information generated.

## **Appendix 4: Role of the Canadian Environmental Advisory Council (1981)**

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| <p>(1) Identify and define Canadian environmental problems, concentrate on the definition and analysis in principle of their biological, physical and social aspects, and generate independent advice for the Minister on the best routes to be followed toward their solution.</p> <p>(2) Identify and define environmental problems of a more global nature;</p> <p style="padding-left: 40px;">(a) which Canada shares with neighbouring countries; and</p> <p style="padding-left: 40px;">(b) which affect Canadians as members of the world population.</p> <p>(3) Receive requests and instructions from the Minister on environmental issues and actions, and respond with advice and recommendations.</p> <p>(4) Anticipate and identify emerging issues and bring them to the attention of the Minister.</p> <p>(5) Examine the environmental implications or effects of government action or inaction on the development of perceived and coherent government policy.</p> <p>(6) Keep abreast of current environmental problems so as to be readily responsive to requests from the Minister.</p> | <p>(7) Evaluate the processes of environmental assessment and control so as to be able to identify apparent successes and failures and to propose improvements in their procedures and coordination.</p> <p>(8) Communicate with the Canadian public on environmental issues and provide a focus for the expression of their concerns.</p> <p>(9) Provide the Minister with independent views on the performance of the Department in meeting its responsibilities.</p> <p>(10) Work with the Minister and the Department in support of non-governmental environmental groups.</p> <p>(11) Maintain liaison with the provincial and territorial environmental councils.</p> <p>(12) Produce, as part of an annual report, an overview of the successes and failures of environmental activities in Canada, the lessons, and the perceived issues.</p> <p>Being neither a public interest group or an agent of any group, nor a part of the Department, but the Minister's advisory council reporting directly to him, the role of the Council is to speak as independently and forthrightly as possible. It is not simply to tell the Minister or the Department or the public of Canada pleasant, uncontroversial things but to "tell it as we see it" and thus at times its comments may be irritating, unpleasant or embarrassing.</p> |
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## **Appendix 5:**

### **Role of the Canadian Environmental Advisory Council (1984)**

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#### **General**

Council operates in a confidential advisory capacity to the Minister of the Environment, providing judgmental, considered opinion which reflects the viewpoints of a wide spectrum of the public. It provides the Minister with an alternative to the advice provided by the Department of the Environment and other federal agencies, and to the advice of specific interest groups. Council's public role (e.g. the publishing of reports) has been secondary and has been played only when such action did not compromise but supported the primary responsibility of advising the Minister.

#### **Specific Functions**

- (1) To provide advice to the Minister of the Environment, as requested, on issues relating to the Canadian environment and on environmental matters in general which are of concern to Canada.
- (2) To bring to the attention of the Minister, and to provide advice on, environmental issues which Council perceives to be of public concern on a regional, national or international level.
- (3) To advise the Minister of the Environment on impending issues and problems in the environmental field; on social and economic trends and their environmental implications; and on principles and priorities related to long-term renewable resource/environmental management.
- (4) At the request of the Minister, to provide advice on improving the effectiveness of departmental activities.
- (5) In consultation with the Minister, as appropriate, to promote public concern with, and knowledge of specific environmental issues through publication of reports, sponsorship of conferences, and related activities.
- (6) At the option of the Council, to provide advice to officials of the Department on issues or policies which could ultimately be of concern to the Minister



## Appendix 6: CEAC Members

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Dr. Robert Page  
Trent University  
Peterborough, Ontario  
Chairman

Mr. Thomas Beck  
Calgary, Alberta  
Chairman/Emeritus

Dr. S.A.M. Conover  
Dalhousie University  
Halifax, Nova Scotia  
Vice-Chairperson

Dr. J.S. Rowe  
University of Saskatchewan  
Saskatoon, Saskatchewan  
Vice-Chairperson

Dr. J. Butler  
University of Alberta  
Edmonton, Alberta

Dr. P. Chapman  
E.V.S. Consultants Ltd.  
Vancouver, British Columbia

Mr. J.D. Cook  
ESSO Petroleum Canada  
Toronto, Ontario

Mr. M. Coolican  
National Sea Products  
Halifax, Nova Scotia

Dr. H. Connor-Lajambe  
Centre d'analyse des  
Politiques Energetiques

Dr. L. Giroux  
University of Laval  
Ste-Foy, Quebec

Ms. D. Griffin  
Island Nature Trust  
Charlottetown, P.E.I.

Mr. G. Warner  
Yellowknife, NWT

### Council Staff

Mr. K.B. Ogilvie, Executive Director

Dr. E. Fred Roots, Science Advisor

Mrs. V. Halliwell, Project Coordinator

Environment Canada  
Ottawa, Ontario







